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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,018	06/01/2005	Hartmut Kirstein	HM-640PCT	8518
40570	7590	02/22/2006	EXAMINER	
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/537,018		KIRSTEIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dmitry Suhol		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "flying cropping shear (20) installed between a driver (17) and the Steckel rolling stand (8)" appears to be incorrect, figure 1 does not show such a relationship.

Regarding claim 3, it is not clear if the claim is intended to depend from claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steckel '214 in view of Brettbacher et al '395 and Langer et al '191. Steckel discloses a traditional method and device for reverse hot strip rolling containing most of the claimed

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elements including with reference to claims 1 and 3, rolling the rolling stock in a rolling stand (52) between two furnace reels (69) arranged on either side of the stand (figures 2-3) by drivers (64 and 68) arranged between the corresponding furnace reel and stand (figure 3).

Steckel fails to teach cropping the strip by means of a single flying cropping shear installed between a driver and the stand as required by claims 1 and 3. However, Brettbacher discloses a system and method much like that of Steckel which teaches that it is known to position a single flying cropping shear (6) between a driver and a rolling stand (figure 1 and as clearly taught by Langer '191 in his figure 1, pinch rollers 10) for the purpose of trimming the rolled strip at its forward and rear ends having a lower quality of stock.

Regarding claim 2, it would have been obvious to one having ordinary skill in the art to roll the final strip to a thickness of 2 mm or less since it would only depend on the desired final outcome of the finished stock/strip and since Langer clearly teaches that such strip dimensions are known to be produced by such methods and apparatus (col. 1, lines 30-35).

Claims 1-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brettbacher et al '395 in view of Steckel '214, Langer et al '191 and Rosenthal et al (EP 0829322). Brettbacher discloses a method and device for reverse hot strip rolling containing most of the claimed elements including with reference to claims 1 and 3, rolling the rolling stock in a rolling stand (2) between two reels (3 and 4) arranged on

either side of the stand and (figure 1) and cropping the strip (figure 4) during reverse rolling by means of a single flying cropping shear (6). The cropping shear being a drum blade, as required by claim 4, is shown in figure 4.

Langer is relied upon to clearly teach the positioning of the shear device between the mill (4) and drivers (pinch rollers 10) for the purpose of driving the strip/stock through the apparatus and that strip dimensions of 2mm or less are known to be produced by such methods and apparatus (col. 1, lines 30-35).

Steckel is relied upon to teach the use of furnace type coilers (69) for the purpose of reducing heat loss and minimizing scaling (page 1, lines 107-110).

Therefore it would have been obvious to position the shear device of Brettbacher between the mill and drivers for the purpose of driving the strip/stock through the apparatus and to use furnace type coilers of Steckel for the purpose of reducing heat loss and minimizing scaling. It would have been further obvious to roll the final strip to a thickness of 2 mm or less since it would only depend on the desired final outcome of the finished stock/strip and since clearly teaches that such strip dimensions are known to be produced by such methods and apparatus (col. 1, lines 30-35).

Regarding claims 4, 9-10 Rosenthal discloses a flying shearing device which is operated by a toggle mechanisms which swivels the blade drums into an engaged and swung-out position (figures 2 or 3) for the purpose of providing shearing device which is simple in construction, economical and is able to keep up with high speeds to a strip passing between the knives. Therefore it would have been obvious to provide the shearing mechanism of Rosenthal in the device of Brettbacher for the purpose of

providing shearing device which is simple in construction, economical and is able to keep up with high speeds to a strip passing between the knives.

### ***Allowable Subject Matter***

Claims 5-8 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'D. Suhol', written in a cursive style.

Dmitry Suhol  
Examiner  
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ds